

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED For C'ville
MAY 25 2011
BY: JULIA Q. DUDLEY, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA) Criminal Action No. 3:08-cr-
)
v.) § 2255 ORDER
)
TONY LLOYD JOHNSTON) By: Hon. Norman K. Moon
) United States District Judge

In accordance with the written memorandum opinion entered this day, it is

ORDERED and ADJUDGED

that the United States' motion to dismiss is **GRANTED**; Johnston's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, is hereby **DISMISSED**; and this action is **STRICKEN** from the active docket of the court.

Further finding that Johnston has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a Certificate of Appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to Johnston and counsel of record for the United States.

ENTER: This 25th day of May, 2011.

John W. Mar
United States District Judge